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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,052	09/28/2001	Yasuyuki Fukashiro	HITACHI-0025	7436

21302 7590 04/04/2003

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[REDACTED] EXAMINER

HEALY, BRIAN

ART UNIT	PAPER NUMBER
2874	

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Offic Action Summary**

Application No.	09/966,052	Applicant(s)	FUKASHIRO ET AL.
Examiner	Brian M. Healy	Art Unit	2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_ is/are allowed.  
6) Claim(s) 1-7 is/are rejected.  
7) Claim(s) \_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.  
12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. 09/946,577.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.  
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen, U.S.P.

No. 5,940,209.

Nguyen 209' teaches (Figs. 1-2) a method and apparatus of switching optical signals from a plurality of input circuits to one of a plurality of output signals (Note although a single input and output is shown; a plurality can be used in an optical network.) comprising a plurality of optical amplifiers 31,32,38 and monitoring the output of the optical amplifiers using detectors 45,47 and feedback loops so that a particular monitor circuit can be selected which selects a particular amplifier so that a particular optical signal is amplified based on the feedback signal, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 is being included with this office action.

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The following references are also cited by the Examiner as being pertinent prior art:

Shiragaki et. al., U.S.P. No.5,757,526 (Figs.1-10), Antoniades et. al., U.S.P. No.6,115,154 (Figs.1-7), Chen et. al., U.S.P. No.6,055,078 (Figs.1-11), Shum, U.S.P. No.6,407,854 (Figs.1-7C), Wakabayashi et. al., U.S.P. No.4,313,224 (Figs.1-6) and Grasso et. Al., U.S.P. No.5,054,876 (Figs.1-7).

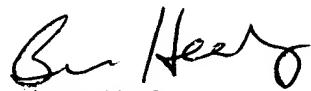
Any questions concerning this office action should be directed to:

**Brian M. Healy**

**Primary Examiner**

**Art Unit: 2874**

**Phone: (703)308-2693**



**Brian Healy**  
**Primary Examiner**